

AUTHORITY TO SEARCH AND SEIZE

I have (previously) been informed that SA NICHOLAS J. DORVAL, Special Agent in Charge, AFOSI Detachment 814, KAFB, NM is investigating the following offense(s): Article 92, UCMJ; 18 USC 545; 26 USC 5861(d); 26 USC 5861(k); 26 USC 5861(i); and 18 USC 922(l), and requested that

I authorize a search of the (person of CHARLES BRENT JUSTICE; Male Born: 5 Feb 93; E-4; SSN:594-29-5931; FL) (and/or) (premises and specified property therein known as 760B Silverberry Circle SE, Kirtland AFB, NM 87116 and a silver), and seizure, copying and analysis of the following specified property: (See attached listing)

*Ford F-150, New Mexico
license plate ACLP76*

This authorization incorporates the attached affidavit of SA NICHOLAS J. DORVAL, dated 18 FEB 20.

Having carefully considered the matters presented to me in support of that request, I am/was satisfied that there is/was probable cause to believe that the property specified above is/was concealed on or within the person/premises described. I am/was further satisfied from the matters presented that the said property referenced above (1) is evidence which will aid in the apprehension/conviction of the person(s) who committed the offense(s) being investigated; or (2) is or has been used, designed, or intended for use, as the means of committing the criminal offense(s) being investigated; or (3) was illegally obtained as the result of the commission of the offense(s) being investigated; or (4) is contraband possessed or controlled in violation of law or regulation; or (5) is a combination of two or more of (1) through (4).

I am/was further satisfied that the person(s) who presented these matters to me has/have sufficiently articulated a legitimate basis for concluding the matters presented do in fact support probable cause to conclude that criminal activity has occurred.

No search of the person or premises conducted pursuant to the authority herein granted shall be initiated later than 14 days from 18 FEB 20 (date authority is granted), to ensure probable cause does not turn stale.

This authority to search, seize, copy, and analyze should be executed during the daytime and/or nighttime (write in one of the following: "daytime"/"nighttime"/"daytime and/or nighttime"), unless good cause prevents same.

Furthermore, pursuant to this authority, and *subject to the attached evidence listing* ~~in accordance with the matters presented to me~~, I authorize continuing, further, and additional searches, to include copying and/or analysis, on or away from the specified premises, of the above specified property seized, copied, or analyzed on or after the date this authority is granted. This authority (initial accordingly):

- ☐ will expire on _____.
- ☐ will not expire until any and all judicial proceedings in this case have concluded unless later revoked by competent authority.

Any property searched and seized pursuant to this authorization may be used as evidence in any criminal or administrative proceeding hereafter initiated.

This authority to search and seize, copy, and analyze is/was issued by virtue of:

- ☐ My appointment as an installation search authority in accordance with the Manual for Courts-Martial and Air Force Instructions.
- ☐ My appointment as a military judge or judicial official in accordance with the Manual for Courts-Martial and Air Force Instructions.
- ☒ My position as commander having jurisdiction over the person/premises herein described.

Dated: 18 February 2020 at Kirtland AFB, New Mexico

CAUTION: CONSULT WITH A JUDGE ADVOCATE. ALSO SEE RULE FOR COURTS-MARTIAL 302, MILITARY RULE OF EVIDENCE 315, AND AFI 51-201. RECORD SHOULD BE KEPT OF THE INFORMATION GIVEN TO THE AUTHORIZING OFFICER, ON WHICH THAT OFFICER BASES THE AUTHORIZATION, FOR POSSIBLE USE IN COURTS-MARTIAL. A SUMMARY OF ORAL INFORMATION

TYPED NAME, GRADE, AND ORGANIZATION OF AUTHORIZING OFFICIAL

DAVID S. MILLER, Col. USAF Commander, 377 ABW

SIGNATURE

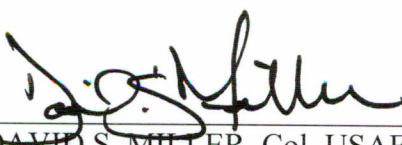
Defendant's
Exhibit

A

Attachment to AF Form 1176 – Evidence Listing

This listing is attached to the AF Form 1176, *Authority to Search and Seize*, in the matter of CHARLES BRENT JUSTICE (SUBJECT) and the following offenses: Article 92, UCMJ, *Failure to obey order or regulation*, 18 United States Code (USC) § 545 *Smuggling goods into the United States*; 26 USC § 5861(d) *Possession of an Unregistered National Firearms Act (NFA) Item*; 26 USC § 5861(k) *Possession of an Unlawfully Imported NFA Item*; 26 USC § 5861(i) *Possession of an Unserialized NFA Item*; and 18 USC § 922(l) *Unlawful Importation of a Firearm*. This is a particular listing of the items of evidence to be searched for and seized:

1. The SUBJECT PARCEL and its contents.
2. Firearm suppressors, and any firearm as defined by 26 USC §5845(a) that is not lawfully possessed in accordance with the National Firearm Act (NFA) and registered on the National Firearm Transfer Record (NFTR) as required by law. Additionally, any firearm of any kind found that is not properly registered with the 377 SFS pursuant to Air Force Instruction 31-101.
3. Any items pertaining to the possession, manufacture, or distribution of illegal firearms, including but not limited to, lower receivers, upper receivers, grips, stocks, magazines, trigger assemblies, machinegun conversion kits, and barrels for Glock-style firearms.
4. Indicia of occupancy, residency, and/or ownership of the items noted above and of the premises, including but not limited to, papers, correspondence, canceled envelopes, canceled postcards, bills, and registration documents.
5. Any machines, tools, parts, or other items associated with the use, manufacture, or modification of firearms to enable the connection to and use of NFA- regulated items with firearms.
6. Mailing labels, packaging materials, envelopes, and or parcels relating to the mailing, transportation, ordering, making, purchasing, selling and/or unlawful importation of firearms or firearm parts into the United States.
7. Electronic equipment including, but not limited to, cellular telephones, computers and related electronic media, tablets, external hard drives or thumb drives that may contain evidence of purchase history and intent of SUBJECT. (NOTE: These items will only be seized temporarily for the potential preservation of evidence. Subsequent search of these items will only occur pursuant to a properly issued separate search authorization. If such a search authorization is not issued within 30 days of seizure, the items will be returned unsearched to SUBJECT unless an extension is granted by the search authorizing authority.)


DAVID S. MILLER, Col, USAF
Commander, 377th Air Base Wing



DEPARTMENT OF THE AIR FORCE
OFFICE OF SPECIAL INVESTIGATIONS
Detachment 814
Kirtland Air Force Base, New Mexico

18 February 2020

AFFIDAVIT IN SUPPORT OF REQUEST FOR SEARCH AUTHORITY

I, NICHOLAS J. DORVAL, Special Agent in Charge, United States Air Force Office of Special Investigations (AFOSI), being duly sworn, do depose and state:

1. I have served as a Special Agent with AFOSI since 7 June 2005. I am currently assigned to AFOSI Detachment 814, Kirtland Air Force Base (KAFB), NM, as the Special Agent in Charge. I received training to be an AFOSI special agent at the United States Air Force Special Investigations Academy and the Federal Law Enforcement Training Center, Glynco, GA. My duties include investigating violations of federal laws of the United States, to include the Uniform Code of Military Justice (UCMJ), as well as supervising the investigations of all special agents assigned to my unit. Prior to this assignment, I have served in various positions within AFOSI conducting the full range of criminal and counterintelligence investigations and operations.

2. Since approximately 7 February 2020, as a part of this investigation, I and agents assigned to my office have worked closely with special agents from the U.S. Department of Homeland Security (DHS), Homeland Security Investigations (HSI) Albuquerque Office, special agents from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Albuquerque Office and postal inspectors from the U.S. Postal Inspection Service (USPIS) Albuquerque Office. These special agents possess specialized training and experience in the investigation of offenses delineated in this affidavit and obtained both from formal training courses attended by them as well as from criminal investigations conducted by them. This training and experience is drawn upon throughout this affidavit and is identified as such.

3. Based on my training, experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of Article 92, UCMJ, *Failure to obey order or regulation*, 18 United States Code (USC) § 545 *Smuggling goods into the United States*; 26 USC § 5861(d) *Possession of an Unregistered National Firearms Act (NFA) Item*; 26 USC § 5861(k) *Possession of an Unlawfully Imported NFA Item*; 26 USC § 5861(i) *Possession of an Unserialized NFA Item*; and 18 USC § 922(l) *Unlawful Importation of a Firearm* were committed by CHARLES BRENT JUSTICE; Male Born: 5 Feb 93; E-4; SSN: 594-29-5931; FL; 377th Weapons System Security Squadron (WSSS), KAFB, NM, hereafter referred to as SUBJECT, and that evidence of those violations is likely to be found at the dwelling located at 760B Silverberry Circle SE, KAFB, NM 87116 (see Attachment A for a complete description), as well as on SUBJECT's person and in/on SUBJECT's vehicle, identified as a silver-colored Ford F-150 extended cab pickup truck with a body-colored cap over the bed and containing New Mexico chile pepper themed license plate ACLP76 (hereafter collectively referred to as SUBJECT PREMISES). A more detailed and particular listing of evidence to be searched for and seized can be found in Attachment B.

EYES OF THE EAGLE

FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE
THIS REPORT CONTAINS FOR OFFICIAL USE ONLY (FOUO) INFORMATION WHICH MUST BE
PROTECTED UNDER THE PRIVACY ACT AND AFI 33-332.

4. I make this affidavit in support of issuance of an AF IMT 1176, *Authority to Search and Seize*, which will permit the affiant and other agents from AFOSI, HSI, ATF and USPIS to search and seize evidence, instrumentalities, contraband and fruits of the above-mentioned violations from SUBJECT PREMISES, located on KAFB, on land that is Exclusive Federal jurisdiction. It will additionally permit said individuals to search SUBJECT's person and in/on SUBJECT's vehicle to search and seize evidence, instrumentalities, contraband and fruits of the above-mentioned violations. It will also permit the forensic analysis of any items seized, except that we do not seek authorization to search or forensically analyze any digital media at this time; we only seek to seize digital media for the purpose of preserving evidence which may exist on it. See Attachment B for a more detailed and particular listing of evidence to be searched for and seized.

5. The information in this affidavit is based on my personal knowledge and information provided to me by other law enforcement officers and individuals. It also incorporates expertise, training and experience from special agents of HSI, ATF, and USPIS particular to the investigation of offenses of the types mentioned in paragraph 3. It additionally makes reference to analysis and reference products produced by certain law enforcement agencies with expertise in the investigation of offenses of the types mentioned in paragraph 3. The information in this affidavit is provided for the limited purpose of establishing probable cause, and thus I have not included each and every fact known to me concerning this investigation.

6. BACKGROUND INFORMATION ON "SOLVENT TRAPS": According to the ATF, legitimate solvent traps are devices attached to the muzzle of a firearm barrel designed to catch or "trap" dirty cleaning solvent pushed through the barrel from the chamber end and out through the muzzle. Solvent traps are intended to prevent solvent from dripping, spraying, or spattering when pushed out the muzzle end of a firearm barrel. The front end-cap of a solvent trap must be solid and have no hole that will allow a projectile to pass through (including "pilot" holes that can be widened to allow a projectile to pass-through or marks indicating the location to drill such a hole). Devices that have a hole in or indexing mark for a hole in the front end-cap are classified as a "firearm silencer" under the NFA. See ATF Firearms & Ammunition Technology Division, Technical Bulletin 20-01 (Oct. 30, 2019) for further details (attached).

7. BACKGROUND INFORMATION ON "INLINE FUEL FILTERS" (IFF): According to the ATF, In contrast to spin-on filters, IFFs have holes at both ends and are specifically designed to allow fluid to pass through; therefore, inline filters are not objectively suitable for use as solvent traps. Therefore, the only logical purpose for attaching an IFF to the muzzle of a firearm is for use as a firearm silencer. As referenced in Bulletin 17-02, IFFs are designed to use filter elements or flow valves without center holes. This is a design characteristic IFFs share with some firearm silencers. For example, U.S. Patent 4,530,417 mentions creating a center hole through baffles or wipes installed in a firearm silencer using the first round fired through the device. ATF Firearms Technology Criminal Branch (FTCB) personnel tested several commercially sourced IFFs and found that an unmodified IFF attached to the barrel of a firearm functions to reduce the report of a portable firearm utilizing this method and would therefore meet the definition of a "firearm silencer" (see definition of "firearm silencer" in paragraph 9(b), below). Fuel dispensing system hoses and nozzles typically utilize 3/4" or 1" National Pipe Tapered (NPT) threads, but threaded firearm barrels are not compatible. Adapters are therefore

needed to attach IFFs to firearms. FTCB research found no fuel fittings of the same size and pitch as those commonly found on firearm barrels. NOTE: Multiple adapters may be needed between the barrel and IFF. Accordingly, FTCB has determined that an inline fuel filter possessed with a firearm modified to accept it, or with an adaptor(s) designed to affix the filter to the muzzle of a firearm (multiple adapters may be required), demonstrates intent to use the inline fuel filter to silence, muffle, or diminish the report of a portable firearm; therefore, it is a "firearm silencer" as defined. Further, an inline fuel filter with an end-cap having threads of the same size and pitch of those commonly found on threaded firearm barrels is a "firearm silencer" as defined. YouTube contains a plethora of videos demonstrating IFFs (attached to firearm barrels) being used as silencers. Additionally, there are numerous websites on the Internet marketing various parts and kits intended for use in IFFs. A simple Google search for "NAPA 4003" will return multiple sites advertising items promoted as "fuel filters" that have no filtering capability. (See Attachment C for example search results.) Similar parts and kits are also marketed as "solvent traps," "solvent trap accessories," or "dry storage containers." Such deceptive advertisements sometimes include an "NFA Warning" or a legal disclaimer regarding the use or modification of these devices as, or in the fabrication of, firearm silencers. The inclusion of these disclaimers or statements, as well as customer comments and reviews, suggest the seller's knowledge of the intended end use of those items. Some of the devices marketed as IFFs come assembled with end-caps threaded with the same sizes as found on firearm barrels, which negates the need for a thread adapter. These devices may contain the same threads in each end-cap, different sized threads in each end-cap, or even a threaded rear end-cap along with an unthreaded front end-cap. See ATF Firearms & Ammunition Technology Division, Technical Bulletin 20-01 (Oct. 30, 2019) for further details (attached).

8. Through consultation and discussions with special agents of the ATF and HSI concerning the smuggling of goods into the U.S. and illicit firearms trafficking, I have learned that:

- a. Individuals who receive international shipments of illegal contraband / merchandise through the mail typically utilize internet sites on the "Dark Web" to purchase illicit items. Utilizing electronic devices (computers, tablets, cellphones, iPads, and other electronic devices) that can access the internet is one of common ways smugglers gain access to and obtain their merchandise. According to HSI special agent BRIAN LEWIS, National Targeting Center, U.S. Immigration and Customs Enforcement (ICE), in over 10,000 investigations conducted by ICE involving the illegal trafficking of firearms and parts, 100% of those transactions were facilitated using either the normal Internet or the Dark Web.
- b. Due to the illegal nature of this business, all parties attempt to disguise themselves through the "Dark Web." The Dark Web is a hidden layer of the internet that is not accessible or indexed by search engines. The Dark Web requires specific software for access. The Dark Web is a common place for criminals and illicit activity because of its hidden nature and the use of special applications to maintain anonymity.
- c. Smugglers/importers who utilize the Dark Web pay for their illicit merchandise through virtual currency. Virtual currency is a type of digital currency that is only available in electronic form and not in physical form and is transferred from user to

user. People who utilize the Dark Web using virtual currency to purchase illegal firearms often keep ledgers, user names, passwords, monikers, wallet addresses of suppliers, and seed recovery passwords in written and electronic form. Wallet addresses serve as a user's identifier and consist of a string of alphanumeric numbers and letter used to direct payments. Seed recovery passwords are passwords created by the user or end-user to recover their wallet and information if their computer breaks down.

- d. The purchasing of illegal contraband on the Dark Web is facilitated through virtual currency such as Bitcoin. Virtual currency, cryptocurrency, or Bitcoin is used as a form a payment to further obscure the source and owner of the funds.
- e. Smugglers/importers typically keep payment records, invoices, and records of packages digitally. This allows for an easier and more secure access for the user and end-user.
- f. Firearms and ammunition trafficking organizations use a number of methods to insulate their illegal activities from detection by law enforcement. These methods are common to major firearms and ammunition trafficking organizations to varying degrees of sophistication.
- g. Illegal firearm and ammunition traffickers often utilize techniques to prevent the detection of firearms and firearm parts that are shipped unlawfully through mail and common carriers. Some common techniques include falsifying invoices, bills of sale, shipping papers, and customs forms to list the firearms contained in shipping packages as other items, including but not limited to firearms parts and pieces (rather than firearms), and mechanical components used in the automotive, industrial, and machinery industries. Illegal firearm traffickers have also been known to ship firearms concealed inside of other objects to avoid detection by law enforcement officials.
- h. Individuals involved with illegal firearm and ammunition trafficking activity often wear latex or vinyl gloves while handling firearms and ammunition when processing packages for shipment. This is done by traffickers to avoid leaving their fingerprints on items that could later be used as evidence against them.
- i. Individuals involved with illegal firearm and ammunition trafficking activity use complex methods for ordering, paying for, and transferring firearms, firearm components, and/or ammunition. Traffickers' payment methods are often difficult to trace; when not using virtual currency, they use U.S. currency, money orders, wire-transfers, PayPal transactions and pre-paid credit cards. They do this to hide the original source of funds from law enforcement.
- j. Persons engaged in illegal firearm and ammunition trafficking typically keep fruits, instrumentalities, and evidence of their criminal activities and associations at their residences, places of business, storage lockers, vehicles, and other locations under

their control. These items can include firearms (used both as items for sale and to protect the above items and profits), packaging materials, financial records, personal address/telephone books identifying co-conspirators, large sums of cash not immediately traceable to legitimate activity, indicia of control/ownership, and other items such as those more particularly described in Attachment B and incorporated herein by reference.

- k. Illegal firearm and ammunition trafficking often earns substantial cash proceeds that traffickers accumulate or convert to other assets, such as jewelry, vehicles, real estate, bank accounts, or investments. Financial and business records are often kept for firearm and ammunition trafficking activity and/or the accumulation/transformation of illicit proceeds.
- l. Individuals involved in illegal firearm and ammunition trafficking activity often conceal illicit firearms and firearm parts, proceeds, documents, and other facilitating property in vehicles, garages, or other buildings at a location under their control. Such vehicles are often registered in the name of other individuals.
- m. Individuals involved in illegal firearm and ammunition trafficking also often store illicit items, proceeds, and other items related to illicit firearms dealing "offsite," in storage units and safe deposit boxes. Such individuals often keep records of such locations and/or the keys to them at their residences or other places under their control.
- n. Individuals involved in illegal firearm and ammunition trafficking activity often use electronic devices such as cell phones, computers, and tablets in furtherance of their illicit distribution activities. They use such devices to communicate with suppliers and customers, and to perform a host of other activities.
- o. As mentioned in Paragraph 8 and its subparagraphs above, individuals involved in the illegal trafficking of firearms and firearm parts often utilize the Dark Web as a means to obscure their activities from law enforcement and it is possible SUBJECT has utilized the Dark Web for precisely this purpose. However, it is also possible that SUBJECT has utilized the normal Internet and ordered items from websites such as eBay, Wish, Amazon or others. All cases involve the use of Internet-connected devices such as computers, cellular telephones and/or tablets. As mentioned above in Paragraph 8a, in over 10,000 investigations conducted, ICE stated 100% of these illegal purchases were facilitated over the Internet or the Dark Web.

9. STATEMENT OF PERTINENT FACTS AND CIRCUMSTANCES: The investigation of this matter by my agency, as well by HSI, ATF and USPIIS has revealed the following:

- a. On 7 Feb 20, SA CALEB MESKILL, AFOSI Det 814, KAFB, NM, was contacted by SA ZACHARY SOUDER, HSI Albuquerque, who notified SA MESKILL that HSI had opened an investigation involving the illegal importation of a firearms silencer, as defined in the NFA, and that the subject of the investigation appeared to live on

KAFB. The item was addressed to an on-base residence. SA SOUDER identified the addressee of the firearms silencer as CHARLES BRENT JUSTICE, 760B Silverberry Circle SE, Kirtland AFB, NM 87117, phone number listed as (321) 431-5714. SA MESKILL consulted the Air Force Global Address Book and confirmed that SUBJECT was an airman assigned to the 377 WSSS, KAFB, NM. A subsequent query of the Department of Defense Person Search (DPS) database confirmed SUBJECT was assigned to KAFB and resided at the above-listed address.

- b. SA SOUDER relayed to SA MESKILL that the firearms silencer was intercepted at the John F. Kennedy mail center in Jamaica, New York. The package hereinafter referred to as the SUBJECT PARCEL was examined by U.S. Customs and Border Protection (CBP) and determined to contain one silencer. The Gun Control Act (GCA) defines the term firearm silencer as "...any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication." (See 18 U.S.C. § 921(a)(24).) CBP provided HSI with photos of the item seized. HSI requested the SUBJECT PARCEL to be shipped to the Albuquerque HSI office for further inspection.
- c. On 7 Feb 20, SA MESKILL contacted SA NATHAN KEMPTON, ATF Albuquerque, to conduct a Federal Licensing System (FLS) check to determine if SUBJECT had applied for or received the required ATF permit and tax stamp to import and possess an NFA-regulated item. SA KEMPTON confirmed FLS had no record of SUBJECT applying for or receiving the required permit and tax stamp. Furthermore, SUBJECT had never applied for or received a Federal Firearms License (FFL) of any type. This means SUBJECT is not licensed by the federal government to sell, import or manufacture firearms in the United States. Furthermore, because SUBJECT does not possess a valid FFL, it is unlawful for SUBJECT to receive firearms and NFA-controlled items directly at his residence. Rather, SUBJECT would be required to effect the transfer of the items at a properly licensed FFL.
- d. On 7 Feb 20, SA WILLIAM MCCOY, AFOSI Det 814, KAFB, NM, contacted the 377th Security Forces Squadron (SFS), KAFB, NM, to determine if SUBJECT had ever applied for or received permission from his squadron commander to register and store firearms in his on-base residence, which is required by Air Force Instruction 31-101, and documented on Air Force Form 1314. 377 SFS confirmed they had no record of SUBJECT ever applying for or receiving permission to register and store any firearms in his on-base residence. This means SUBJECT is not authorized to possess or store firearms in his on-base residence. Based on the fact (as delineated in Paragraph 9e below) that SUBJECT has ordered over 15 suspected gun parts from China, including the firearm silencer in SUBJECT PARCEL, a "trigger fish" allowing the conversion of a Glock pistol into fully automatic fire mode, and a butt stock receiver to convert a Glock pistol into a short barreled rifle, it is reasonable to believe firearms are present inside SUBJECT's residence, SUBJECT's vehicle, or even on SUBJECT's person, as these parts in and of themselves are of little to no use

unless affixed to a firearm. Such presence would constitute a violation of Article 92, UCMJ.

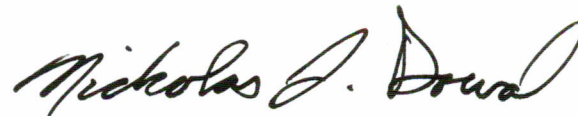
- e. On 10 Feb 20, SA MESKILL met with SA SOUDER, who advised that HSI had records showing that over the preceding 10 months, SUBJECT had placed over 30 orders to companies in China, approximately 15 of which were for suspected gun parts, including one item known as a “trigger fish” that would allow a semiautomatic Glock pistol to be converted to fully automatic fire, as well as a butt stock receiver which would allow a Glock pistol to be shoulder fired in a similar fashion to a short barreled rifle. Both such items are also regulated by the NFA and would require permits and tax stamps just like the above-mentioned silencer. HSI suspected these orders contained gun parts because of the identities of the shippers and the wording of the customs declarations, which have been uncovered and verified in other cases and investigations whereby the contents turned out to be NFA-regulated items. HSI did not intercept or confiscate the packages containing the suspected gun parts, as SUBJECT was not under investigation by them until the silencer was intercepted. Thus, those suspected gun parts are believed to have been successfully delivered to SUBJECT’s on-base residence. In order to protect its sources and methods, HSI was unwilling to provide more specific information regarding exactly what items were shipped to SUBJECT. HSI advised that some of the items were likely legal and that some of the items were likely purposefully mislabeled (for instance, as a “pen refill” when in fact the item was a firing pin). Ultimately, there are multiple reasons why SUBJECT may have made so many purchases from China, including that legal items could be purchased at a discounted rate and as a source for purchasing illegal items that SUBJECT could not purchase domestically.
- f. On 12 Feb 20, SA MESKILL received the SUBJECT PARCEL from SA SOUDER. The SUBJECT PARCEL was addressed to SUBJECT as mentioned above. The SUBJECT PARCEL was shipped by “Xiaohuji,” with a contact number of 13901766971. The SUBJECT PARCEL’s label identified the contents as a “fuel filter.”
- g. On 12 Feb 20, SA MESKILL opened and inspected the contents of the SUBJECT PARCEL. The SUBJECT PARCEL contained a front end-cap with a marked center, a front end-cap with an open center, a baffle core, an expansion chamber, and an outer tube. According to ATF, this is a silencer configuration. A picture of the item contained in SUBJECT PARCEL may be found in Attachment B.

10. PROPOSED CONTROLLED DELIVERY/ANTICIPATORY SEARCH AUTHORITY:

AFOSI special agents, HSI special agents, ATF special agents, and U.S. postal inspectors wish to perform a controlled delivery of the SUBJECT PARCEL to the SUBJECT PREMISES. The original contents will remain inside the parcel.

- a. In conjunction with this controlled delivery, I am also seeking authorization for an anticipatory search authorization for the SUBJECT PREMISES to be executed, contingent upon the delivery of the SUBJECT PARCEL.

- b. On or about 18 Feb 20, a U.S. Postal Inspector, who will be acting in an undercover capacity as a United States Postal Service (USPS) mail carrier, will attempt to deliver the SUBJECT PARCEL to the SUBJECT PREMISES during the daytime hours authorized by this search authority. Other law enforcement agents will be pre-positioned at the SUBJECT PREMISES to keep the SUBJECT PARCEL under surveillance. Surveillance of the SUBJECT PARCEL will continue while the package is accepted. If the occupants at the residence do not answer the door, repeated attempts to complete the controlled delivery may be carried out on succeeding dates thereafter.
 - c. Based on the training and experience of the ATF special agents, the HSI special agents and the U.S. postal inspectors with whom I've conferred, such packages are typically opened shortly after delivery. In light of these circumstances, there may be practical difficulties in obtaining a search authorization in a timely fashion before evidence is potentially moved or destroyed. Therefore, I respectfully request that a search authorization for the SUBJECT PREMISES be issued with its execution contingent upon fulfillment of the following procedures:
 - a. Delivery will be made only to an adult willing to accept delivery on behalf of SUBJECT. Every effort will be made to make delivery to SUBJECT, and in no event will the package be delivered to a child. Once the delivery has been made, the agents will execute the search authorization within the time period authorized.
 - b. The search authorization will be executed only on SUBJECT PREMISES, after the SUBJECT PARCEL is taken into the residence after delivery. If the reasonable amount of time extends into evening hours, I seek the authority to enter the SUBJECT PREMISES to recover the parcel, as well as other items of evidence particularly detailed in Attachment B.
 - c. If the SUBJECT PARCEL is not accepted by an adult occupant of the SUBJECT PREMISES within the time authorized by this search authority, the search will not be executed, and the SUBJECT PARCEL will remain in the custody of law enforcement.
12. On 12 Feb 20, I briefed Maj BRADLEY J. SAUER, Deputy Staff Judge Advocate, 377th Air Base Wing, KAFB, NM, on the information detailed above. Maj SAUER advised that, based on the information I had provided, probable cause existed that violations of Article 92, UCMJ, *Failure to obey order or regulation*, 18 USC § 545 *Smuggling goods into the United States*; 26 USC § 5861(d) *Possession of an Unregistered National Firearms Act (NFA) Item*; 26 USC § 5861(k) *Possession of an Unlawfully Imported NFA Item*; 26 USC § 5861(i) *Possession of an Unserialized NFA Item*; and 18 USC § 922(l) *Unlawful Importation of a Firearm* were committed by SUBJECT, and that evidence, instrumentalities, contraband and fruits of the above-mentioned violations were likely to be found in SUBJECT PREMISES.
13. In view of the foregoing, I respectfully request search authority to search and seize evidence, instrumentalities, contraband and fruits of the above-mentioned violations from SUBJECT PREMISES, as particularly detailed in Attachment B.



NICHOLAS J. DORVAL, SA, DAF
Special Agent in Charge, AFOSI Det 814

Sworn to and subscribed before me on 18 Feb 20, at KAFB, NM, at 1658 hours.



DAVID S. MILLER, Colonel, USAF
Commander, 377th Air Base Wing

Attachment A

SUBJECT PREMISES, located 760B Silverberry Circle SE, Kirtland AFB, NM 87116, is described as a two-story duplex-style home painted primarily beige in color with brown trim, located on the north side of Silverberry Circle SE with the front door facing south. Additionally, a large metallic letter "J" is affixed to the wall on the front porch, to the left of the entry door. A sign is affixed to the front left porch column with the digits "760 B" applied to a rectangular plaque.

SUBJECT's vehicle is identified as a silver-colored Ford F-150 extended cab pickup truck with a body-colored cap over the bed and containing New Mexico chile pepper themed license plate ACLP76.

Attachment B

The following items to be seized constitute evidence, fruits, proceeds, and instrumentalities of violations of Article 92, UCMJ, 18 USC § 545, 26 USC § 5861(d), 26 USC § 5861(k), and 26 USC § 5861(i); and 18 USC § 922(l):

1. The SUBJECT PARCEL and its contents:



2. Firearm suppressors, and any firearm as defined by 26 USC §5845(a) that is not lawfully possessed in accordance with the National Firearm Act (NFA) and registered on the National Firearm Transfer Record (NFTR) as required by law. Additionally, any firearm of any kind found that is not properly registered with the 377 SFS pursuant to Air Force Instruction 31-101.
3. Any items pertaining to the possession, manufacture, or distribution of illegal firearms, including but not limited to, lower receivers, upper receivers, grips, stocks, magazines, trigger assemblies, machinegun conversion kits, and barrels for Glock-style firearms.

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PROTECTED UNDER THE PRIVACY ACT AND AFI 33-332.**

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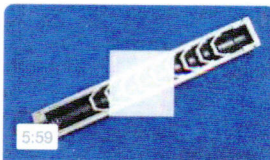
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